The opinion in support of the decision being entered today is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte CHANG LIM, JIMMY K. HUI, WENDY W. J. WU,
TIMMY W. LEE and HENG M. LOOK

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Appeal 2007-1731
Application 10/796,051
Technology Center 2100

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Decided: September 27, 2007

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Before ANITA PELLMAN GROSS, HOWARD B. BLANKENSHIP,
and JOHN A. JEFFERY, *Administrative Patent Judges.*

BLANKENSHIP, *Administrative Patent Judge.*

DECISION ON APPEAL

This appeal involves claims 7-14, 27-33, 39, and 40, the only claims pending in this application. We have jurisdiction under 35 U.S.C. §§ 6(b), 134(a).

INTRODUCTION

The inventions relate to management of communication services from a service provider by a customer of the provider. The management system employs an Internet-based architecture that provides access to users' virtual private networks via an end user browser. (Abstract.) Claims 7, 13, and 27 are illustrative:

7. A system for authorizing a user of a client to have access to a server via the Internet comprising:

means in said client for inputting a user identification (ID) and user password;

means in said client for storing a unique client address;

communication means at said client for passing said ID, password and address to said server via said Internet in response to a request therefrom;

means at said server to store information respecting said client and to compare said stored information with said user ID and user password;

means at said server to store dynamic status information respecting said user, said dynamic status information being one of enabled, disabled or active; and

means to authorize log in of said user if said ID and password agree with said stored information and if said user status is enabled.

13. A system for providing context sensitive help information on a client's browser screen in response to a help request from a user comprising:

a two frame window on said browser screen including a content frame window and a dashboard frame window;

a help button associated with said dashboard frame window; and

link means between said client and a server, whereby activation of said help button retrieves help information relating to subject matter displayed on said content frame window from said server.

27. A system for storing information respecting a plurality of applications to a shared memory comprising:

a volatile memory for storing said information;

means to allocate space in said volatile memory to selected ones of said plurality of applications;

identification means for identifying said space allocated to each of said selected applications;

backup means to periodically transfer stored information from said volatile memory to non-volatile memory; and

means to retrieve information from said non-volatile memory at system startup.

The Examiner relies on the following prior art references to show unpatentability:

Hu	US 5,586,260	Dec. 17, 1996
Baker	US 5,678,041	Oct. 14, 1997
LaStrange	US 5,784,058	Jul. 21, 1998
Davis	US 5,796,952	Aug. 18, 1998

The rejections as presented by the Examiner are as follows:

1. Claims 7-12, 39, and 40 are rejected under 35 U.S.C § 103(a) as unpatentable over Baker and Hu.

2. Claims 13 and 14 are rejected under 35 U.S.C § 103(a) as unpatentable over LaStrange.

3. Claims 27-33 are rejected under 35 U.S.C § 103(a) as unpatentable over Davis.

OPINION

The allocation of burdens requires that the USPTO produce the factual basis for its rejection of an application under 35 U.S.C. §§ 102 and 103. *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984) (citing *In re Warner*, 379 F.2d 1011, 1016, 154 USPQ 173, 177 (CCPA 1967)). The one who bears the initial burden of presenting a prima facie case of unpatentability is the examiner. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992).

The Examiner applies the teachings of Baker and Hu in an effort to demonstrate prima facie obviousness of instant claim 7. (Answer 4-5.) Appellants argue that, contrary to the Examiner's findings, Baker does not describe communication means at the client for passing the ID, password, and address to the server via the Internet in response to a request. According to Appellants, the user ID, password, and client address are not transmitted through the public network or Internet 100 (Baker Fig. 1) to the network resources 101, 102, 103, 104, and 105. (Br. 12.)

The Examiner responds that the features upon which Appellants rely, "(i.e. the network resources,)," are not recited in the rejected claim(s). (Answer 11.) Appellants did not, and need not, file a reply brief to point out that Appellants' reference to "network resources" in the Appeal Brief relates to the disclosure of Baker, rather than a requirement of "network resources" in claim 7.

The statement of rejection with respect to claim 7 refers to Figures 1 and 3, and column 4, lines 1 through 22, and column 7, lines 3 through 16, as teaching the feature in controversy. (Answer 4.)

We find that Baker describes a system that includes a relational database to determine access rights to information or services to public or uncontrolled databases such as those that may be found on the Internet. Resource identifiers (URLs) are associated with a particular access rating. A request from a user for a particular resource will only be passed on from the local network to a server providing a link to the resource if the URL has an access rating for which the user has been assigned specific permissions by an administrator or manager. The invention may be implemented as part of a proxy server within the user's local network. Baker, col. 3, ll. 8-32.

In Baker Figures 1 and 3, proxy server 112 provides a connection from processor 111 to public network 100 via firewall 113. Requests from user terminals 107-109 for access to network services 101-105 through public network 100 are submitted to processor 111 within proxy server 112. Processor 111 determines the identity of the requesting user terminal and compares the user's particular rating class with the rating associated with the particular URL. Baker, col. 3, l. 65 - col. 4, l. 43. When a requesting user terminal transmits a URL via LAN 110 (Fig. 1), processor 111 receives the URL and the requesting user terminal identification code. Assuming that the user (e.g., terminal 107) has sufficient clearance for the requested URL, processor 111 forwards the URL to public network 100 via firewall 113. Assuming availability of the resource, the public network returns the requested information to user terminal 107 via firewall 113, processor 111 and LAN 110. Baker, col. 5, ll. 8-40.

Baker at column 7, lines 3 through 16, describes entry of a password by a system manager, but also teaches (col. 5, ll. 59-65) that entry of a password may be required at a user terminal.

We agree with Appellants that the rejection fails, at the least, to show disclosure or suggestion of the "communication means" of claim 7. Information from terminal 107 (Baker Fig. 1) is sent to proxy server 112 over private network 110 behind firewall 113. Network resources 101-105 may also be representative of servers on a public network (e.g., the Internet). However, in neither case are an ID, password, and client address sent to a server "via said Internet" as required by instant claim 7.

Independent claim 12 contains limitations similar to those of claim 7 for which the rejection is deficient. We therefore do not sustain the rejection of claims 7-12, 39, and 40 under 35 U.S.C § 103(a) as unpatentable over Baker and Hu.

We do not sustain the rejection of claim 13 (nor that of depending claim 14) under 35 U.S.C § 103(a) over LaStrange for substantially the reasons expressed by Appellants in the Appeal Brief. Base claim 13 requires the functionality of a link means between the client and a server, whereby activation of the help button (associated with the dashboard frame window) retrieves help information from the server relating to subject matter displayed on the content frame window. The rejection fails, at the outset, to set forth a case for prima facie unpatentability at least in not specifying the relied-upon "icon or symbol button" in LaStrange, the function of which the rejection apparently proposes to modify. (*See* Answer 6-7; 12-13.) LaStrange depicts a (text) browser "HELP" menu item (e.g., Fig. 2), but

does not describe any function associated with selection of the menu item that differs from prior art or conventional browser "help" functions.

The rejection may refer to icon (push pin symbol) 52 of LaStrange, which controls the function of allowing overwriting (Figs. 2 and 3: push pin not enabled) or preserving (Figs. 4 and 5: push pin enabled) the information in a browser window by opening a second or new browser window for displaying the target of a hyperlink. Activation of icon 52 thus preserves information at the client, rather than retrieves information from the server. Information from the server is retrieved the conventional way; e.g., by activation of a hyperlink 54. *See* LaStrange, col. 4, ll. 28-36. We thus find no basis for disclosure or suggestion of the functionality associated with activation of the "help button" that is required by claim 13.

Finally, we do not sustain the rejection of claim 27 under 35 U.S.C § 103(a) over Davis, nor that of depending claims 28 through 33. Although it is true that Davis discloses a client computer (Fig. 2) containing volatile memory (RAM 34) and non-volatile memory (e.g., ROM 33), we find no disclosure or suggestion in the relied-upon portions of Davis to periodically transfer stored information from the volatile memory to (any) non-volatile memory. Although not discussed by the Examiner, column 7, lines 43 through 47 describes a memory management chip that controls direct memory access (DMA) operations which include passing data between RAM 34 and a hard disk or floppy disk drive (i.e., non-volatile memory). The description lacks disclosure or suggestion of a backup means to periodically transfer stored information, however.[1]

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[1] If that were the only deficiency in the rejection, we might take Official Notice that means to periodically transfer information from volatile to non-

We observe that, contrary to the Examiner's apparent reading of claim 27 (*see* Answer 8), the claim does not specify what information is retrieved from the non-volatile memory at system startup, and thus does not require the information retrieved to be the same that is periodically transferred to the non-volatile memory. Nor does the claim require, for that matter, that the information that is periodically transferred from the volatile memory to non-volatile memory is the information in the volatile memory respecting a plurality of applications. The need for another, perhaps broader, search of the prior art might be indicated.

In any event, we agree with Appellants (Br. 18) that Davis does not even appear to teach a system for storing information respecting a plurality of applications to a shared memory. Even assuming that it does, the Examiner alleges (Answer 8) that the disclosure of Davis at column 7 lines 30 through 49 with respect to ROM 33 containing the basic input-output system (BIOS) that controls basic hardware operations teaches the combination of claimed backup and retrieval features. Davis does not do so, however, at least for the reason that the reference does not describe periodically transferring information to BIOS (ROM 33).

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volatile memory were well known to the artisan; e.g., in word processing or spreadsheet programs that periodically back up the application file resident in volatile memory.

CONCLUSION

In summary, the rejection of claims 7-14, 27-33, 39, and 40 under 35 U.S.C. § 103 based upon the evidence provided by the Examiner is reversed.

<u>REVERSED</u>

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